G. R. S. IX-5]

Previous references.

Chs 305-13(1-4)

Revenue

1919.

(Chs)

File No. 32-19

Serial Nos. 1604

Later references.

Ch. 208-1911-5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~2 Revenue~~ Four

Part B for Nov 19

SUBJECT.

Amendment to rule 5, of order XXII of the Civil Procedure Code.

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4) To the Registrar, Chief Court.

No. G. 10475 dt 11th November 1919.

Sanctions the proposed amendment to rule 5, of order XXII of the Civil Procedure Code.

W D 1250—GPB—30,000 · 28-1-19

28/11

G. R. S. III—1] 1919.

GENERAL AND REVENUE SECRETARIAT.

(Cls)

NOTES.

File No. 32.

FILE HEADING.

Amendment to rule 5 of Order XXII Civil Procedure Code.

From

The Registrar Chief Court of Lucknow.

No. R.O.C No 1003 Dated 6.8.19 Received 8.8.19

Diary No. 2747	Enclos. - Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for sanction a draft amendment to rule 5 of Order XXII of Civil Procedure Code on the subject of the decision of the question whether any person is or is not legal representative of the deceased party.

NOTES AND ORDERS.

1) Sub. The draft amendment has been approved by the Select Rule committee & is published in the gazette.

2) The Residency has to be informed of the changes proposed if govt are prepared

NOTES—First Sheet.

774 (2

Serial No.

Sanction the amendment (vide Page 2 of the notes in this file 305-13; 1404

3) Rebd for orders

Bm 13/8/18

4) The proposed proviso can to be useful. If has been approved by the Rule Committee also published in the Gazette Govt sanction may perhaps accorded under S. 126 of the Civil Appeal as drafted will be the Residency acts are put up.

5) Submitted

P. Me 24/8.

W

As per the Civil Rule is put up. Please see pages 33 & 141.

987 26.8.19

H Member

b) The amendment is unnecessary but all right. Maya append. But is it necessary to inform the Residency about it? Please peruse last meeting minutes.

Urdu

29/8 D. M. 30/8

Immediate 25/8 5.8.19

b) Subd. Dated reference is invited to para 3 of the Residents' letter of 21-3-1917 (Regd 20-10-3) in page 6 of the collection put up. As to the correspondence the Resy has to be

H. A.

NOTE—Contn. sheet.

G. R. S. [III-2]

General and Revenue Secretariat.

CS File No. 32 of 1919.

Serial No.

informed of any changes in the Rules of Procedure.

1105/3.9.19

Subd. with Sepcn D. No. 219

8/9/19 II Member

8) The Residency may be addressed in this matter.

3/9

9) Please put up draft letter

D. No. 1/9

10) Submitted with draft letter to Hon'ble F. A. Resident as per Orders.

11) The draft is not suitable. Please put up a fresh draft introducing the subject & explaining the necessity for the changes. Also say that it has been approved by the Rule Committee

D. 10/9

K.R. 9/9 ADC 9/9

12) Resubd. The draft is in accordance with precedent. Please see this office no. Pol. 157-G of 2-8-14 to the Residency in CS 305-13 put up.

ADC 10/9

13) Please put up clean draft as revised

D. 11/9

1558/25-9-19

14) Submitted with clean draft as per Order for appn & issue.

KR 12-9-19 ADC 15/9 II Member

15) Appd. by the Member D. 18/9

16) Issued D. 21/9/19

22/9/19 Pial 9

NOTE—Contn. sheet.

R. 2/10.

WD A 1789—GPB—60,000—20-8-19.

G. R. S. III-2]

General and Revenue Secretariat.

2747
6303

File No. 32 of 191 9.

Serial No.	
2	2
	To F. A. Resident — No. 37897. 10.19 — Repeats & forwards from the Resident & the proposed Amendment —
Secs B2 forwarded with 10.19 17/10	
3	From F. A. Resident in Mysore — P.D. 497 No. 7897 — & the 16th Oct 1919 acknowledges the receipt of the letter informing the proposed addition to the Rule 5 Order XVII of the Code of Civil Procedure of 1911. (1) Submitted with a draft G.O. sanctioning the amendment. The Chief Court will publish the rule as amended in the Mysore Gazette. (8) (Please vide Sec. "127" of the Civil Pro. Code)
18 OCT 1919	
	KR 20/10/19. (9) Draft G.O. submitted for enab — To M. 27/10
1913 29.10.19 Read 28/10	II Member Apps — 31/10 — James To M. 1/11
4	To The Registrar, Chief Court — No. G. 10475 of 11th Nov. 1919. Sanctions the proposed amendment to Rule 5 order XXII of the civil procedure code of 1911.

Note—Contn. sheet.

I.I. 8/11

O.H. PROTECTION BR'NCH. 12 NOV 1919

R.O.C.No.1003/1918-19.

5

CHIEF COURT OF MYSORE,

BANGALORE, dated the 4th August 1919.

6th

DIARY No. 2247

3726

Chief Court 7 - AUG 1919

FROM

G. SREENIVASA IYER, ESQ., B.A., M.L.,

REGISTRAR OF THE CHIEF COURT OF MYSORE,

B A N G A L O R E.

Cts 3249

TO

C.S.BALASUNDARAM IYER, ESQ., B.A.,

CHIEF SECRETARY TO THE GOVERNMENT OF MYSORE,

B A N G A L O R E.

I am directed to state that when in a civil appeal a question arises as to whether any person is or is not the legal representative of the deceased party, the Judges think it desirable that the appellate court should have power to direct the lower courts to take evidence on which to determine the question and intend to add the following specific rule as proviso to rule 5 of Order XXII, Civil Procedure Code, on the lines of the one issued by the Madras High Court:-

" Provided that an appellate court before determining it may direct any lower court to take evidence thereon and to return the evidence so taken together with its finding and reasons and may take such finding and reasons into consideration in determining the question".

I am to add that the Rule Committee has approved of the proposed proviso and to request that the Government may be pleased to accord their sanction thereto.

The draft amendment was duly published in the Mysore Gazette on the 17th July 1919 and no objections or suggestions

have

7

G. R. S. VI—G/32]

SUBJECT.....

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Diary No. of letter replied to.....

Section Ch. r.

File No. 32 of 19

Serial No.

GENERAL AND REVENUE SECRETARIAT

( )

the 191 .

No.

Date of issue 7th October 1919

To

Signed by M. C. S. Balasundaram Iyer

Sir,

Adverting to your letter No. 1729 of the 21st March 1911, I am directed to state that it is proposed to add the following specific rule as proviso to rule 5 of Order XXII, Civil Procedure Code 1911 :-

"Provided that an appellate Court before determining it may direct any lower Court to take evidence thereon and to return the evidence so taken together with its finding and reasons and may take such finding and

reasons into Consideration in determining the question".

The Object of this proviso is to authorise the Appellate Court to direct the lower Courts to take evidence on which to determine the question whether any person is or is not the legal representative of the deceased party.

I am to request that the Hon'ble the Resident may be informed of the proposed amendment.

have &c

for chief Secy.

List of enclosures.

Copied by

Examined by

ND 1744—GPB—30,000—19-3-19

SEC. & REG. DEPT.
Chief Secretary
17 OCT 1919

DIARY 6303
19 20
R. O. 2.—R. P. B.—9-1919.—2,000
32-19
3

No. 7897

Pol 497

FROM

MAJOR C. T. C. PLOWDEN, I. A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore.

Dated Bangalore, 16th October 19 19.

SIR,

I am directed to acknowledge, with thanks, the receipt of your letter No. Pol. 378, dated the 7th October 1919, communicating, for the information of the Hon'ble the Resident, an addition which the Durbar propose to make to Rule 5 of Order XXII of the Code of Civil Procedure, of 1911.

I have the honour to be,
S i r,
Your most obedient servant,

First Assistant Resident.

W4 10

G.R.S. VI–71]

SUBJECT..... Sanctioning the proposed amendment .....

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Diary No. of letter replied to.....6303.....

General and Revenue Secretariat

( )

, *the* *191* ..

Date of issue..... 11/11/19

Signed by..... M. Rice

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ? such a evidence on Vivadesh to determine the question

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section Ab –

File No. 32-19 –

Serial No. 4

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read–

Letter no. R.O.C No. 1003-/1918-19 d the 4th/6th Aug 19 from the Registrar Chief Court, requesting Sanction of Government for amending Rule 5, Order XXII of the Code of Civil Procedure of 1911, by adding thereto a specific proviso authorising regarding the desirability direction of power to an appellate Court to direct lower Courts to take and submit evidence with reasons Order Thereon &c.

in the matter of finding out whether a person is or is not the legal representative of the deceased party and explaining the object of the proposed rule.

P.T.O.